

AMENDED IN SENATE MARCH 24, 2011

SENATE BILL

No. 772

Introduced by Senator Alquist

February 18, 2011

An act ~~relating to education~~ to add Sections 35122 and 87000.5 to the Education Code, relating to education personnel.

LEGISLATIVE COUNSEL'S DIGEST

SB 772, as amended, Alquist. Education personnel: compensation.

Existing law establishes the system of public elementary and secondary schools in this state, and provides for the establishment of the local educational agencies, including school districts that establish and operate the schools and provide instruction to pupils throughout the state. Existing law also establishes the California Community Colleges as one of the segments of public postsecondary education in the state.

This bill would prohibit a school district or a community college district, on and after January 1, 2012, from entering into, or renewing, a contract that provides a pay increase within the contract for any employee who is not eligible to be represented by an exclusive representative, in any fiscal year in which classified or certificated employees of that district have been terminated, provided notice of possible termination, or not provided with a cost-of-living adjustment, or that provides a pay increase in the fiscal year during which the contract is executed, relative to the immediate past contract for that same position, for any employee who is not eligible to be represented by an exclusive representative, in any fiscal year when, in that same fiscal year, or the immediately past fiscal year, classified or certificated

employees of that district have been terminated, provided notice of possible termination, or not provided with a cost-of-living adjustment.

~~Existing law states that the purpose of the educational system of this state is to enable each child to develop all of his or her own potential.~~

~~This bill would state the intent of the Legislature to enact legislation on the subject of elementary and secondary education.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 35122 is added to the Education Code,
2 to read:

3 35122. Notwithstanding any other provision of law, on or after
4 January 1, 2012, a school district shall not enter into, or renew,
5 a contract that provides for either of the following:

6 (a) A pay increase for any employee who, pursuant to Section
7 3543.4 of the Government Code, is not eligible to be represented
8 by an exclusive representative, in any fiscal year in which classified
9 or certificated employees of that school district have been
10 terminated, provided notice of possible termination, or not provided
11 with a cost-of-living adjustment.

12 (b) A pay increase in the fiscal year during which the contract
13 is executed, relative to the immediate past contract for that same
14 position, for any employee who, pursuant to Section 3543.4 of the
15 Government Code, is not eligible to be represented by an exclusive
16 representative, if in that same fiscal year, or the immediately past
17 fiscal year, classified or certificated employees of that school
18 district have been terminated, provided notice of possible
19 termination, or not provided with a cost-of-living adjustment.

20 SEC. 2. Section 87000.5 is added to the Education Code, to
21 read:

22 87000.5. Notwithstanding any other provision of law, on or
23 after January 1, 2012, a community college district shall not enter
24 into, or renew, a contract that provides for either of the following:

25 (a) A pay increase for any employee who, pursuant to Section
26 3543.4 of the Government Code, is not eligible to be represented
27 by an exclusive representative, in any fiscal year in which classified
28 or certificated employees of that community college district have

1 *been terminated, provided notice of possible termination, or not*
2 *provided with a cost-of-living adjustment.*

3 *(b) A pay increase in the fiscal year during which the contract*
4 *is executed, relative to the immediate past contract for that same*
5 *position, for any employee who, pursuant to Section 3543.4 of the*
6 *Government Code, is not eligible to be represented by an exclusive*
7 *representative, if in that same fiscal year, or the immediately past*
8 *fiscal year, classified or certificated employees of that community*
9 *college district have been terminated, provided notice of possible*
10 *termination, or not provided with a cost-of-living adjustment.*

11 ~~SECTION 1. It is the intent of the Legislature to enact~~
12 ~~legislation on the subject of elementary and secondary education.~~